

Remarks

In the Office Action mailed February 14, 2003, Claims 2-5, 7-9, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,274,017 issued to Pan alone or Pan in view of U.S. Pat. No. 3,130,177 issued to Grabowski. The Examiner made those rejections FINAL.

Rejections under 35 U.S.C. §103(a)

Claims 2-5, 7-9, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,274,017 issued to Pan alone or Pan in view of U.S. Pat. No. 3,130,177 issued to Grabowski. Claim 4 has been cancelled, thus obviating any grounds for rejection based upon that claim. Applicants respectfully disagree with the Examiner's contention regarding Pan alone or Pan in view of Grabowski.

As stated in MPEP §2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, citing *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992).

Clearly there is no such teaching, suggestion or motivation shown in the references in this case. Pan, at col. 2, lines 19-22, discloses aromatic carbonate polymers containing an oxide of metals selected from the group consisting of aluminum, magnesium, lithium, lanthanum, bismuth and yttrium. Pan fails to disclose or suggest the instantly claimed aluminum compound selected from water-containing oxides, phosphates, sulfates, sulfides, hydroxides, borates and borophosphates of aluminum. Further, as Grabowski fails to mention any aluminum compound, he could not possibly provide the missing teaching, suggestion or motivation leading one of ordinary skill in the art to include the instantly claimed aluminum compound.

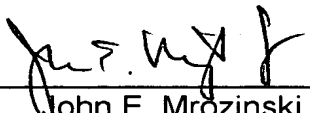
Therefore, applicants contend that nothing in the teaching of Pan alone or Pan in view of Grabowski would lead one of ordinary skill in the art to the instantly claimed invention and respectfully request the Examiner reconsider and reverse her rejection of Claims 2, 3, 5, 7-9, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,274,017 issued to Pan alone or Pan in view of U.S. Pat. No. 3,130,177 issued to Grabowski.

Conclusion

Applicants have cancelled Claim 4 and have amended Claims 5 and 7. Applicants contend that such claim amendments add no new matter and find support in the specification.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 2, 3, 5, 7-9, 12 and 13. If the Examiner is of the opinion that the instant application is in condition for other than allowance, she is requested to contact the Applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

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